

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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John Galloway, *et al.*, :
Plaintiffs, :
-against- : INDEX NO. 1:07-cv-06435 (LTS)
Apartment Investment and Management :
Company, *et al.*, :
Defendant. :
----- X

PLAINTIFFS' MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Civil Rule 1.4, Cohen, Milstein, Hausfeld, & Toll, P.L.L.C. (“Plaintiffs’ Counsel”) hereby seek permission of the Court to withdraw its appearance as counsel for Plaintiffs Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tocherman, Bradford Tripp, and Charles Wright, III. Plaintiffs’ Counsel have good cause for withdrawal due to Plaintiffs’ lack of communication and cooperation with Plaintiffs’ Counsel, and Plaintiffs’ Counsel have given these plaintiffs reasonable notice that this lack of communication will result in their withdrawal as counsel.

Plaintiffs’ Counsel have made repeated attempts to secure responses to discovery served upon these 6 plaintiffs. *See* Declaration of Llezie L. Green. Despite their exhaustive efforts, Plaintiffs’ Counsel have been unable to communicate with these plaintiffs, and, as a result, are no longer able to prosecute their claims. *See id.* In contrast, Plaintiffs have served discovery responses from 11 other plaintiffs.

A copy of this motion will be sent to Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tocherman, Bradford Tripp, and Charles Wright, III by certified mail, return receipt requested, contemporaneously with the motion's submission to the court.

Accordingly, pursuant to Local Civil Rule 1.4, Plaintiffs respectfully seek leave of the Court to withdraw as counsel for Plaintiffs Albert Clendinen, Michael Crispin, Sr., Marciana Forde, Donald Tocherman, Bradford Tripp, and Charles Wright, III.

Plaintiffs' Counsel have conferred with Defendants' counsel who have indicated they do not oppose this motion. Plaintiffs' Counsel could not confirm if any plaintiff will oppose this motion, as the motion is based upon Plaintiffs' failure to communicate with counsel.

Dated: May 9, 2008

Respectfully submitted,

/s/ Llezlie L. Green

Joseph M. Sellers (D.C. Bar No. 318410)
Charles E. Tompkins (D.C. Bar No. 459854)
Llezlie L. Green (lg-0911)
COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
1100 New York Avenue, N.W.
West Tower - Suite 500
Washington, D.C. 20005
Tel.: (202) 408-4600
Fax: (202) 408-4699

Steig Olson (so-0414)
COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
152 East 52nd Street
Thirtieth Floor
New York, N.Y. 10022
Tel: (212) 838-7797
Fax: (212) 838-7745

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of May, 2008, I caused a true and accurate copy of Plaintiffs' Motion to Withdraw As Counsel to be served via the electronic filing system upon:

John Husband
Christina Gomez
Tanya E. Milligan
Thomas E. J. Hazard
Holland & Hart
555 Seventeenth Street
Suite 3200
Denver, Colorado 80202

Tanya E. Milligan
Littler Mendelson
885 Third Avenue
16th Floor
New York, NY 10022

Gregory Bertram Reilly, III
Littler Mendelson, P.C.
One Newark Center
8th Floor
Newark, NJ 07102

and by first class mail, postage pre-paid to:

Albert Clendinen
2440 Olinville Ave.
APT. 414
Bronx, NY 10467

Michael Crispen Sr.
134 Innis Ave
Apt H-11
Poughkeepsie, NY 12601

Marciana Forde
101 Tompkins Terrace
Beacon, NY 12508

Donald Tocherman
137 Bailey's Gap Road
Highland, NY 12528

Bradford Tripp
22 East 96th St.
Brooklyn, NY 11212

Charles Wright III
8 Northwood Drive
Downington, PA 19335

/s/Roger Yamada
Roger Yamada